

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

TYCO INTERNATIONAL LTD. and
TYCO INTERNATIONAL (US) INC.,

Plaintiffs,
v.

MARK SWARTZ,

Defendant.

Civil Action No. 03-cv-2247 (TPG)

**DECLARATION OF MARK L. LEVINE IN SUPPORT OF TYCO'S
MOTION FOR INTEREST ON ITS CONVERSION CLAIM**

I, Mark L. Levine, a partner with Bartlit Beck Herman Palenchar & Scott LLP and counsel for Plaintiffs Tyco International Ltd. and Tyco International (US) Inc. (collectively "Tyco"), respectfully submit this declaration in support of Tyco's Motion for Interest on Its Conversion Claim, and declare under penalty of perjury as follows:

1. Attached hereto as Exhibit A is a true and correct copy of excerpts of trial testimony taken in the instant matter on October 16, 2012 and October 17, 2012.

Signed this 23rd day of October, 2012 in Chicago, Illinois.

/s/ Mark L. Levine
Mark L. Levine*